

**NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS**

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

THE PEOPLE,

Plaintiff and Respondent,

v.

CURTIS GENE HOWARD,

Defendant and Appellant.

B205854

(Los Angeles County  
Super. Ct. No. KA080562)

APPEAL from a judgment of the Superior Court of Los Angeles County,  
Wade D. Olson, Temporary Judge. (Pursuant to Cal. Const., art. VI, § 21.) Affirmed.

Irma Castillo, under appointment by the Court of Appeal, for Defendant and  
Appellant.

No appearance for Plaintiff and Respondent.

Curtis Gene Howard appeals from the judgment entered following his guilty plea to second degree robbery (Pen. Code, § 211) and his admission that he suffered a prior conviction of a serious or violent felony within the meaning of the “Three Strikes” law (Pen. Code, §§ 1170.12, subds. (a)-(d) & 667, subds. (b)-(i)). Pursuant to his negotiated plea, he was sentenced to prison for a total of four years, consisting of the low term of two years, doubled to four years by reason of the Three Strikes law. Charges of second degree commercial burglary (Pen. Code, §, 459), petty theft with priors (Pen. Code, §§ 666, 484, subd. (a)), aggravated trespass (Pen. Code, § 602.5, subd. (b)) and numerous enhancement allegations were dismissed. His plea agreement included a waiver under *People v. Harvey* (1979) 25 Cal.3d 754, which allowed the sentencing court to consider facts in dismissed counts when ordering restitution. Appellant also waived any rights, interests or claims to any of the property seized during the course of the investigation and agreed the items could be returned to their lawful owners or otherwise forfeited to the police department. Jurisdiction over the restitution issue was retained by the court.

Appellant requested a certificate of probable cause asserting he had received ineffective assistance of counsel. He claimed the charge should have been grand theft or attempted grand theft and that he should not have received such a lengthy prison sentence. Appellant’s request was denied.

According to the probation report, on September 18, 2007, appellant and a codefendant entered a Winco Foods, ordered food and left the store without paying for the food. Outside of the store, appellant drove his vehicle next to a woman who was putting groceries into her car and the codefendant, appellant’s passenger, reached outside of the vehicle and grabbed the woman’s purse. The woman held onto her purse as appellant drove away, pulling the victim forward and causing her to fall to the ground. The victim was able to hold on to her purse. Thereafter, appellant and codefendant entered a residence through an unlocked door and used the telephone at the residence to call for a ride. Appellant told the occupants, “Don’t call the cops!” One of the occupants of the home escaped and contacted the police, who then took appellant and the codefendant into custody.

On August 21, 2008, we advised appellant that he had 30 days within which to personally submit any contentions or issues which he wished us to consider. No response has been received to date.

We have examined the entire record and are satisfied that no arguable issues exist and that appellant has, by virtue of counsel's compliance with the *Wende* procedure and our review of the record, received adequate and effective appellate review of the judgment entered against him in this case. (*Smith v. Robbins* (2000) 528 U.S. 259, 278; *People v. Kelly* (2006) 40 Cal.4th 106, 112-113.)

### **DISPOSITION**

The judgment is affirmed.

WILLHITE, J.

We concur:

EPSTEIN, P. J.

MANELLA, J.